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June 8, 2021

MEMO ENDORSED

VIA ECF & EMAIL

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: *Ideavillage Products Corp. v. Copper Compression Brands LLC et al*
Civil Action No. 20-cv-04604-KPF
Joint Letter Motion Requesting Extension of Remaining Discovery Deadlines &
Adjournment of Pretrial Conference

Dear Judge Failla:

In accordance with Your Honor's Individual Rules of Practice in Civil Cases, specifically Rule 2(D), the parties to the above case, through their respective counsel, are writing to jointly request an extension of all remaining discovery deadlines, and an adjournment of the pretrial conference, scheduled for July 13, 2021 at 3:00 PM. Currently, the deadline for fact discovery is July 8, 2021, and the deadline for expert discovery is August 24, 2021.

On May 17, 2021, Plaintiff Ideavillage Products Corp. and Plaintiff IDVC, LLC (collectively, "Plaintiffs") filed a Motion for Leave to File Second Amended Complaint (*Docket Entry Nos. 50-52*) ("Plaintiffs' Motion") wherein they seek to add an additional claim against Defendant Copper Compression Brands LLC and Defendant Copper Compression LLC's (collectively, "Defendants"). Given that: 1) Plaintiffs' Motion could warrant further, albeit limited, discovery, and the parties are unable to ascertain what experts will be required until Plaintiffs' Motion is resolved; 2) Defendants' document production remains ongoing, and as such, no depositions have taken place or been scheduled; and 3) Defendants have also recently advised Plaintiffs that they intend to move to dismiss the case, the parties believe that there is just cause for an extension and an adjournment. The parties respectfully request an extension of all remaining deadlines by four (4) months from the Court's decision on Plaintiffs' Motion in the event that it is granted or alternatively, two (2) months from the Court's decision on Plaintiffs' Motion in the event that it is denied. Since the date by which the Court will rule on Plaintiffs' Motion, which will be fully briefed as of June 25, 2021, is presently unknown, the parties are unable to submit a [Proposed] Revised Scheduling Order with specific dates, or provide an alternate date for the pretrial conference. Instead, if the Court prefers, should the Court grant the parties' request, the parties propose that they submit a [Proposed] Revised Scheduling Order within five (5) days of the Court's decision on Plaintiffs' Motion.

This is the parties' second request for an extension of the discovery deadlines set forth in the Civil Case Management Plan and Scheduling Order (*Docket Entry No. 43*) and an adjournment of the pretrial conference. The parties' first request for an extension of the discovery deadlines and an adjournment of

the pretrial conference was granted by the Court (*Docket Entry Nos. 46-48*) (the “First Request”).¹ Although the parties acknowledge that the Court explicitly stated that “no further extensions of discovery will be granted” when it granted the parties’ First Request (*Docket Entry No. 47*), for the reasons stated above, the parties respectfully submit that there is just cause for the extension and adjournment requested herein.

We thank the Court for its time and consideration.

Respectfully submitted,

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¹ The parties also previously sought an extension of the following deadlines, and all such requests were granted by the Court: the time for Defendants to respond to the Amended Complaint (*Docket Entry Nos. 21-22*), and the time for the parties to complete a settlement conference (*Docket Entry Nos. 35-36*). Defendants also requested an adjournment of the initial pretrial conference, which was likewise granted by the Court (*Docket Entry Nos. 26-27*).

The parties' motion to extend discovery is granted in part and denied in part. The Court hereby extends the fact discovery and expert discovery deadlines by two months. Accordingly, fact discovery shall be complete on or by **September 8, 2021**, and expert discovery shall be complete on or by **October 25, 2021**. The parties may renew their request for an extension of discovery in the event that the pending motion to amend is granted.

Additionally, the conference scheduled for July 13, 2021, is hereby ADJOURNED *sine die*. The Clerk of Court is directed to terminate the motion pending at docket entry 54.

Dated: June 8, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE